

**EXHIBIT A**

State of Illinois                     )  
  ) ss  
County of St. Clair                )

**UNSWORN DECLARATION UNDER PENALTY OF PERJURY**  
**IN SUPPORT OF COMPLAINT FOR FORFEITURE**

I, Adam Ulery, do hereby depose and declare under penalty of perjury the following:

1. At all times relevant herein, I have been a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE). The contents of this Declaration are based on information provided to me during the course of my investigation from participants in the criminal activity, from other witnesses, and from other law enforcement officers.

2. On October 23, 2013, BATFE agents arrested Matthew HURLEY in Monroe County, Illinois, pursuant to a federal arrest warrant. During the interview of HURLEY at the Monroe County, Illinois Sheriff's Department, agents presented HURLEY with an Advice of Rights and Waiver Form. HURLEY read the form and signed it.

3. Agents then presented HURLEY with documentation from the Monroe County Illinois Circuit Clerk case number 2011-CF-34 (Unlawful Possession of a Controlled Substance). HURLEY advised that the documentation pertained to him and his court case. HURLEY stated that he understood that once he was convicted in the above case that he was prohibited from possessing any firearms.

4. Agents then presented HURLEY with ATF Form 4473 which was for the purchase of a DPMS, Oracle, .223 caliber rifle, bearing serial number F287755 and a Smith & Wesson, SD9VE, 9mm semi-automatic pistol, bearing serial number HEV3698. HURLEY confirmed that he signed the ATF Form 4473 on June 9, 2013 and June 17, 2013. HURLEY advised that he was

arrested with the Smith & Wesson pistol and that he pawned the DPMS rifle in Sparta, Illinois.

5. Agents then presented HURLEY with ATF Form 4473 which was for the purchase of a Bersa, Thunder 9, 9mm semi-automatic pistol, bearing serial number D35435. HURLEY confirmed that he signed the form on March 21, 2013 and March 26, 2013.

6. HURLEY advised that he was sentenced to two years of probation for the above mentioned case. HURLEY added that he was not a felon. Agents showed HURLEY question 11e from the ATF Form 4473 which states "Have you ever been convicted in any court of a felony, or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a short sentence including probation?" On the above mentioned forms HURLEY answered "No" to question 11e. HURLEY advised that he should have answered "Yes" to question 11e on the forms. HURLEY added that he did not read the ATF Form 4473 and just answered as he was told by the gun shop employee.

7. HURLEY advised that his brother, Zachary O'Keefe, currently had possession of the Bersa pistol. HURLEY placed a phone call to O'Keefe and instructed O'Keefe to turn in the Bersa pistol immediately. HURLEY advised O'Keefe that he purchased firearms illegally because he was on probation.

8. Zachary O'Keefe responded to the Monroe County Illinois Sheriff's Department and turned over one firearm box and one receipt for the purchase of a firearm and a Bersa, Thunder 9, 9mm semi-automatic pistol, bearing serial number D35435 to the custody of the Monroe County Illinois Sheriff's Department.

9. Based on the foregoing, affiant believes that the subject-matter property constitutes a firearm involved in or used in a knowing violation of 18 U.S.C. § 922(g)(1) and is subject to

forfeiture pursuant to 18 U.S.C. § 924(d).

Executed on this 19<sup>th</sup> day of May, 2014.



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ADAM ULERY

Special Agent

Bureau of Alcohol, Tobacco, Firearms and Explosives